

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHARON BOBBITT, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

ANDREW J. FILIPOWSKI and
MICHAEL P. CULLINANE,

Defendants.

CIVIL ACTION
NO. 04-12263-PBS

Judge Saris

MIKE TURNER, On Behalf of Himself and
All Others Similarly Situated,

Plaintiff,

v.

ANDREW J. FILIPOWSKI, MICHAEL P.
CULLINANE, PAUL L. HUMENANSKY,
TOMMY BENNETT, JOHN COOPER,
JAMES E. COWIE, MICHAEL H. FORSTER,
ARTHUR W. HAHN, THOMAS J. MEREDITH,
J. KEVIN NATER and JOHN RAU,

Defendants.

CIVIL ACTION
NO. 04-12294-NMG

Judge Gorton

**MOTION TO TRANSFER RELATED TURNER CASE
TO JUDGE SARIS PURSUANT TO LOCAL RULE 40.1**

Defendants Andrew J. Filipowski and Michael P. Cullinane hereby request that the case of Turner v. Filipowski, et al., currently before Judge Nathaniel M. Gorton, be transferred, with Judge Saris' consent, to Judge Patti B. Saris, who is the judge presiding over a related and previously filed case, Bobbitt v. Filipowski, et al. The remaining defendants in the Turner case have, via their counsel, consented to this motion and the requested transfer. Defendants make

several ways for purposes of LR 40.1, in that they (1) involve many of the same parties; (2) involve the same or similar claims or defenses; (3) involve the same transactions and events; and (4) involve substantially the same questions of fact and law.

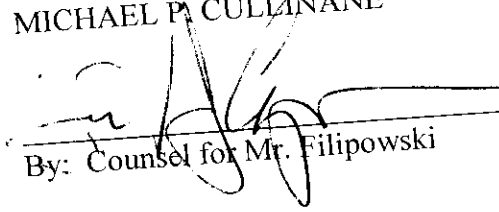
6. Section (I) of Local Rule 40.1 provides that: "In the interest of justice or to further the efficient performance of the business of the court, a judge may ... transfer the case to another judge, if the other judge consents to the transfer." The transfer of Turner as a case related to Bobbitt would further the interest of justice and the efficient performance of the business of the court, as one court would thereby be the single source of rulings concerning the issues of these two similar and related cases, thus obviating inconsistent rulings and avoiding duplication of effort.

WHEREFORE, for all the foregoing reasons, defendants Andrew J. Filipowski and Michael P. Cullinane, with the consent of the remaining defendants in the Turner case, respectfully request that Turner v. Filipowski, et al., Civil Action No. 04-12294-NMG, be transferred, with Judge Saris' consent, to Judge Saris, who is presiding over a related and previously filed case, Bobbitt v. Filipowski, et al., Civil Action No. 04-12263-PBS.

December 27, 2004

Respectfully submitted,

ANDREW J. FILIPOWSKI and
MICHAEL P. CULLINANE


By: Counsel for Mr. Filipowski

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DISTRICT OF MASSACHUSETTS

SHARON BOBBITT, Individually and on Behalf)	
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)	
Plaintiff,)	CIVIL ACTION
)	NO. 04-12263-PBS
v.)	
)	Judge Saris
ANDREW J. FILIPOWSKI and)	
MICHAEL P. CULLINANE,)	
)	
Defendants.)	

MIKE TURNER, On Behalf of Himself and)	
All Others Similarly Situated,)	
)	
Plaintiff,)	CIVIL ACTION
)	NO. 04-12294-NMG
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TOMMY BENNETT, JOHN COOPER,)	
JAMES E. COWIE, MICHAEL H. FORSTER,)	
ARTHUR W. HAHN, THOMAS J. MEREDITH,)	
J. KEVIN NATER and JOHN RAU,)	
)	
Defendants.)	

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CERTIFICATE OF SERVICE

I, Daniel J. Lyne, hereby certify that I have this 27th day of December, 2004 served a copy of the foregoing Motion To Transfer Related *Turner* Case To Judge Saris Pursuant To Local Rule 40.1, Motion For Admission Of Bruce S. Sperling, Eugene J. Frett And Thomas D. Brooks *Pro Hac Vice* and Motion For Admission Of Bruce S. Sperling, Eugene J. Frett And Thomas D. Brooks *Pro Hac Vice* by serving a copy of same, by first class mail, postage prepaid upon:

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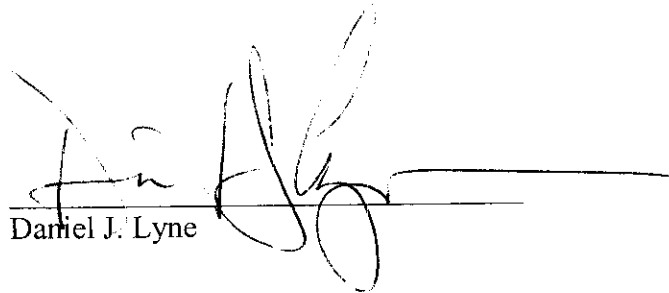
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Daniel J. Lyne

DATED: December 27, 2004

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RECEIVED

Clerk's Office
USDC, Mass.

Date 11-2-04

By CMK
Deputy Clerk

United States District Court
Northern District of Illinois - Eastern Division
United States Courthouse
219 South Dearborn Street - Room 2010
Chicago, Illinois 60604

COANNED
DATE: 11-2-04
BY: CMK

Michael W. Dobbins,
Clerk

October 22, 2004

Office of the Clerk
(312) 435-5691

DOCKETE
NOV 10 2004

Mr. Tony Anastas, Clerk
United States District Court
Federal Building

~~150 Main Street~~ 1 Courthouse Way
~~Springfield, MA 01103~~ Boston, MA

04 CV 12263 PBS

MAGISTRATE JUDGE Callings

RE: SHARON BOBBIT, etc., VS. ANDREW J. FILIPOWSKI, et al,
USDC, N.D. IL, E. DIV., CASE NO. 03-CV-3599

COPY

Dear Clerk:

Enclosed is the certified record which is being transferred to your Court pursuant to an order entered by the Honorable Samuel Der-Yeghiayan on October 7, 2004,

The filing fee of \$150.00 was paid by the plaintiff and has been reported to Washington as an earning in this office.

Please acknowledge receipt of the record on the enclosed copy of this letter.

Sincerely yours,

Michael W. Dobbins, Clerk

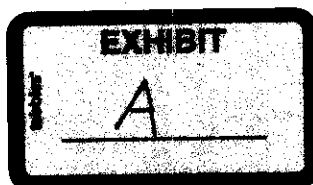
Angela Revis, Deputy Clerk

Enclosure

cc: Counsel of record

Now Case No. 04cv12203-PBS

Date: 11/4/04



FILED

NOV 05 2004
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

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